HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 27762 of 2007

27.12.2007

Between:

Kaki Ramesh

... Petitioner

AND

The Government of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department,
Hyderabad & others.

... Respondents

Counsel for the petitioner : Sri B. Thimothi

Counsel for the respondents : Assistant Government Pleader for Land Acquisition

O R D E R:

This writ petition is filed for a writ of mandamus to declare notice dated 07.12.2007 issued by respondent No.2 as illegal, improper and contrary to law. The petitioner has also sought for a consequential direction to the respondents not to acquire his land admeasuring Ac.2.20 cents comprised in Survey No. 1056-3 situated at Bapatla, Guntur District.

Heard Sri B. Thimoti, learned counsel for the petitioner and learned Assistant Government Pleader for Land Acquisition.

A perusal of notice dated 07.12.2007 issued under Section 5-A of the Land Acquisition Act, 1894 (for short, 'the Act') shows that the

respondents issued notification under Section 4(1) of the Act for acquiring lands of different persons including that of the petitioner for providing house sites to the weaker sections under Phase-II of Indiramma programme and that the said notification was published in District Gazette Extraordinary, Local No. 97 dated 29.11.2007. On the own showing of the petitioner, after receipt of notice dated 07.12.2007, he submitted his objections on 19.07.2007 through telegram and on 20.12.2007, he handed over the same to respondent No.2 in person. Without waiting for the outcome of the decision by the respondents, the petitioner rushed to this Court.

In my considered view, this writ petition is wholly misconceived. If the petitioner's objections were eventually rejected, that would give rise to him an opportunity to approach this Court. It is not the case of the petitioner that the respondents have committed procedural illegality in the issuance or publication of notification under Section 4(1) of the Act. In the absence of any jurisdictional issue having been raised in this writ petition, the petitioner cannot seek to stultify further proceedings taken up by the State in exercise of its power of eminent domain.

For the reasons stated above, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No. 36310 of 2007 filed by the petitioner for interim relief is also dismissed.

C.V.NAGARJUNA REDDY, J

27.12.2007

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